Report of the Head of Planning & City Regeneration

Planning Committee – 2 March 2021

Planning Application Ref: 2021/0106/106

Former Cefn Gorwydd Colliery, Gowerton, Swansea

Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space

1.0 Purpose of the Report

1.1 To seek authorisation to modify the Section 106 Agreement relating to planning permission 2017/1451/OUT (for the residential development of the former Gorwydd Colliery, Gorwydd Road, Gowerton).

1.2 The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended).

1.3 The applicant has sought to amend the following aspects of the S106 agreement;

(i) alter the tenure split of the affordable housing from 30% intermediate and 70% social rented to 100% Intermediate;
(ii) remove the education contribution for the English Medium schools and change the trigger point for payment; and
(iii) reduce the highway contribution from £35,000 to £20,000.

2.0 Background / Planning History

2.1 Outline planning application (2017/1451/OUT) was granted on the 10th August 2018 for residential development of up to 100 dwellings along with associated parking, access, landscaping and open space.

2.2 Reserved Matters application (2018/1894/RES) was granted on the 09 January 2019 for the details of the access, parking, landscaping, open space and engineering works (Details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2017/1451/OUT granted 10th August 2018) and submission of details pursuant to Conditions 6 (Japanese Knotweed), 7 (drainage), 11 (on-site culverts), 12 (auto-track), 13 (site intrusive investigations for mine entries), 15 (historic environment mitigation), 27 (tree protection), 28 (boundary treatment) and 29 (wildlife habitat protection plan) of outline planning permission 2017/1451/OUT

2.3 Non-Material Amendment application (2018/2051/NMA) was granted on 18/07/19 to modify the wording of Conditions 9 (surface water removal strategy), 22 (future maintenance and management of streets) and 21 (noise insulation).

2.4 Discharge of Condition application (2018/2172/DOC) was granted on 14/01/2019 for Discharge of Conditions 32 (CEMP) and 33 (SWMP) of Planning Permission 2017/1451/OUT granted 10th August 2018.

2.5 Non-Material Amendment application (2018/2554/NMA) was granted on 19/12/2018 to modify the wording for conditions 13 and 14 to alter the timing for submission and carrying out of the intrusive site investigations associated with the mining legacy. Cond 13 – change from 'prior to the submission of the RM application' to 'the RM application shall be accompanied by...'. Cond 14 - change from 'the RM application shall be accompanied by' to 'Prior to the commencement of development.

2.6 Discharge of Condition application (2019/1742/DOC) was granted on 16/09/2019 for Discharge of Condition 9 (surface water removal) of planning permission 2017/1451/OUT granted 10th August 2018, as amended by NMA approval 2018/2051/NMA.

2.7 Discharge of Condition application (2019/2429/DOC) was granted on 02/01/2020 for Discharge of condition 16 (Land contamination - detailed investigation and remediation strategy) of Planning Permission 2017/1451/OUT granted 10th August 2018.

2.8 Non-Material Amendment application (2019/2791/NMA) was granted on 23/12/2019 to modify the wording of condition 14.

2.9 The development 'commenced' on 13th December 2019.

2.10 A copy of the 2017/1451/OUT outline committee report is attached at Appendix A

3.0 Consultation.

3.1 The Local Ward Member, the Placemaking and Strategic Planning Team, the Education Officer, the Housing Enabling Officer and the Head of Engineering and Transportation were all consulted on the application.

3.2 <u>The Placemaking and Strategic Planning Team has commented as follows</u>:

"I can confirm that the Council's Placemaking and Strategic Planning Section has undertaken a viability appraisal of the proposed 99 home development on this planning application site using the Council's Development Viability Model (DVM). Pobl and their partners have engaged with the Council in an open book manner, which has enabled the Section to fully understand the costs and values associated with the project, and I am satisfied that a fair and accurate assessment of the scheme's development viability has been undertaken.

The development proposal assessed has been based on a 99 home scheme, of which 68% are affordable homes. The split across all tenures is 32 open market units, 33 intermediate affordable tenure and 34 social rent. Clearly these proposals would make a significant contribution to affordable housing provision

in this area and is well in excess of the 15% Policy target for affordable homes provision on site that could be requested under LDP policy.

Pobl have submitted sufficient information demonstrating the high level of abnormal costs involved in developing the site and I am satisfied that these costs are of the order specified. There is an element of risk for developers on all sites, and a significant amount of abnormal costs were allowed for by the developer when acquiring the site and taking forward proposals. Notwithstanding this, the information submitted demonstrates that further significant abnormal costs have arisen following further site investigations, in particular since the removal of vegetation on the site that has allowed further ground investigations of this former mining area.

Based on the information submitted, the appraisal confirms that having regard to the Section 106 contributions previously agreed on the scheme, the significant abnormal costs associated with this site impact fundamentally on the financial viability of bringing forward the proposals. It is therefore reasonable for the Authority to enter into discussions with Pobl on the Section 106 with the aim of delivering a development that is acceptable in planning terms."

3.3 The Education Officer has commented as follows:

"Education have been asked to comment on the following:

Education contribution amounting to £369,076 is simply unviable given the particular unforeseen abnormal circumstances outlined above and it is requested that this figure is omitted from the S106 Agreement.

The original request/response from Education to the planning application 2017/1451/OUT was £670,188. Planning revised this request to £369,076 and this was subsequently included in the signed S106. Breakdown as below

Gowerton Primary	£272,659.14	(English Medium Primary) (EM)
Gowerton Comp	NIL	(English Medium Secondary) (EM)
Y Login Fach	£48,872.86	(Welsh Medium Primary) (WM)
Y Gwyr	£47,544	(Welsh Medium Primary) (WM)

The development will have an impact on pupil numbers as below:

Gowerton ward = 15.2%	Pupil Numbers	EM	WM
Primary	31	27	4
Secondary	22	19	3
Post 16	0	3	1

The year on year projections have been reviewed in line with projected build rates. As the Gowerton Primary school is a new build, a reduced contribution would not be sufficient to create new places at this school as an extension would be required and a reduced contribution would not be sufficient to facilitate any extension to the school, were it feasible.

Gowerton Primary	capacity 2020	Sept 2020	2021	2022
NoR*	346	347	335	320

Unfilled Places	-1	11	26
%	-0.29	3.18	7.51

*NoR – Number on Roll

It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments. If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

In this case, considering the viability of Education being able to utilise such a small contribution, and due to the fact the site whilst not within the catchment area is closer to another local primary school (Waunarlwydd Primary) with capacity, Education would agree to foregoing the contribution for the English medium primary school.

However, Welsh medium places are currently and are projected to be under continued pressure.

Works to increase capacity are planned for Y Login Fach, and in progress at YG Gwyr. As such, the contributions for Welsh medium would be needed to support these projects.

Therefore, in summary, Education agree to the omission of the English medium primary contribution, but the Welsh medium contributions are essential to support the need to create additional places to meet the demand arising from the new development, and these two requirements still stand."

3.4 The Housing Enabling Officer has commented as follows:

"I can confirm that Housing is in agreement with the modification of Section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to increase the level of affordable housing. Housing is supporting Pobl to develop this site through the Programme Development Plan using Welsh Government funding. Pobl will be delivering 68% affordable housing on site, this is higher than the current conditioned 30% and the LDP policy provision of 15% within the Greater North West Zone. This proposal will provide affordable housing in an area of need."

3.5 The Head of Transportation and Engineering has commented as follows:

The original application contained the requirement for a signalised Toucan type crossing to link the development site to the National Cycle Network. In 2017 a Toucan crossing was the only permitted crossing type which could be used by both pedestrians and cyclists.

Since this time the new Traffic Signs Manual Chapter 6 has been issued by the DfT which includes parallel Zebra Crossings as an approved crossing type. This can be used by both pedestrians and cyclists, is generally less intrusive than a signalised crossing, and affords more priority to the vulnerable user crossing the carriageway.

The 85%ile speeds and sight lines on Gorwydd Road are such that a parallel Zebra crossing could be installed in place of the Toucan, and be compliant with the current standards. This is seen as a reasonable compromise to retain the requirement to link the site to the National Cycle Network (NCN), and requires substantially less equipment to implement.

The Highway Authority is content that this proposal provides a safe crossing point for vulnerable users, whilst being delivered at less cost to the developer Making use of the existing refuge islands, a new parallel Zebra Crossing can be supplied, and installed for around £20k."

3.6 The Local Ward Councillor has OBJECTED as follows:

"I would like to register my objections to the Planning Application 2021/0106/106 Former Cefn Gorwydd Colliery Site in Gowerton. To modify the section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to increase the level of affordable housing and to remove the education contribution.

The developers were made well aware of the problems of this site, which were hi-lighted by the approximately 300 original objections. It is well-known that there are a number of mines in this area with very little mapping knowledge. I think the Coal Board will be able to verify this.

The developer has destroyed this area by removal and rearranging the soil with the destruction of mature trees. This has resulted in the natural drainage being disturbed and a number of residents of Gorwydd Road have now excessive water in their gardens.

Pobl should have estimated that the extent of the work on this site would be expensive and I am appalled that they would offer to increase the number of affordable houses as a bribe to remove their educational contribution. There is already a development of 44 social houses being built at George Manning Way in Gowerton. The extra houses would again exasperate the lack of amenities, increase of the traffic, overload already full Primary Schools and commit the Authority to extra expense to accommodate these lack of facilities.

The removal of the 106 agreement should not be considered or allowed on this planning application to increase the financial liability of this development at the expense of the children and village of Gowerton."

3.7 Gowerton Community Council has OBJECTED as follows:

Gowerton Community Council are strongly opposed to this application. Pobl want to Modify Section (106) reneging on their responsibility of investing £369,076.00 towards education and infrastructure to accommodate the extra children, and we feel this is extremely underhanded. The promise of the investment was made to secure the application and now Pobl are trying to get out of it due to increased costs. Surely they should have foreseen this? The village has enough pressure on it's facilities and schools without adding to them by this proposed development. We sincerely hope that this application is not granted by Swansea Council.

3.8 THREE HUNDRED AND FORTY TWO (342) OBJECTIONS from local have been received which are summarised below .

N.B. Only objections relating to this specific application have been summarised below and should be considered. Objections relating to the principle of development, impacts upon ecology, trees, residential amenity, traffic, parking, pollution, drainage, flooding, sewerage, old coal mine working / land stability, noise, etc. were considered at the time of the outline and reserved matters applications, and as such are not relevant to this application.

- Object to the proposal to remove the contribution to education.
- This will directly and negatively impact on the education and wellbeing of local children attending schools.
- Many of the tenants/purchasers of the houses will have children who will attend the local schools.
- The developer should have anticipated the possibility of abnormally high remediation costs for development of this land.
- Whilst the supply of affordable housing into Gowerton could be considered of benefit to the local area, it should not come at the expense of additional strain on local services and amenities without some form of additional funding being provided. In addition, affordable housing is also being provided elsewhere in the village, which will also help meet housing demand.
- The housing levels cannot be increased without financially supporting the local schooling.
- The Council may wish to consult the Well-being of future generations (Wales) Act 2015, when deciding whether to remove the education contribution. "A prosperous Wales" as detailed in section 4 of the above act, indicates that decisions by public bodies should encourage a society which: "develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities". I am not convinced that removing the education contribution would be in line with the above stated objective.
- The schools are already over-subscribed in this area.
- Council have still not published the reasons or the costings for the request to remove the Section 106 agreement.
- This site was always going to be costly due to the several undetected, uncapped mine shafts and the significant ground works required to even make this development viable.
- Who is going to supply the funding? The City Council will certainly not be in a position to provide finance as that is needed to deal with the fallout of the pandemic. The outcome will undoubtedly result in overcrowded classes at our schools, haven't children had enough to cope with recently.
- Looking at previous objections and the numerous surveys undertaken, it is clear that this site was always going to be costly due to the several undetected, uncapped mine shafts and the significant ground works required to even make this development viable. Given the recent collapse of a mineshaft in Skewen and destruction of a whole street and surrounding streets affected by this, this development could cause devastation to the village.
- Pobl informs us that it is regrettable, they cannot fulfil its commitment to develop this site altering the tenure split of affordable housing and to remove the education contribution stating it was too costly without further subsidies. Once again the most vulnerable in society are being abandoned in the interest of profit.

- The Coal Mining search revealed 9 pit shafts and 2 adits which they have no historical record of capping. There is no record of the depth of shafts and the number of roadways leading from the shafts each now filled with stagnant polluted water. The site is clearly not fit for purpose as a housing development and a danger to the environment and the locality.
- I am disgusted that as a council tax paying resident that I found out about this planning amendment request purely by accident. I am not on social media and would expect to have been notified of this by letter or postings on the local street posts.
- The application is also for an alteration to tenure mix within the affordable housing clause. And this is to ensure social housing grant can be obtained. This proves that Pobl are trying all avenues to try and make this development viable, which it is not, and subsequent costings will be dealt with this way (by applying for grants, etc).
- This ploy be POBL is a cynical way to recover the costs already known regarding making the site viable for building on. They are clearly trying get around the initial planning process to increase the amount of houses built on this site and removing the payments to make it financially viable for themselves to make a suitably large profit at the expense of the village and its environment.
- There are not enough tables and desks or space in the classrooms for the current classes and when you consider that the school is brand new it beggars belief not only that Gowerton is being allowed to expand but that a developer, however laudable a housing association may be, has the nerve to try to duck its social responsibilities.
- I have a child in Gowerton primary and their class size is currently so large that they do not have enough desks/seating for the whole class! Some pupils have to sit on the floor or alternatively work in the learning street, which is a communal area! More housing therefore brings with it more children to the school catchment area! Without additional funding out children's education will suffer.
- I work in Gowerton Comp and my daughter attends Gwyr, both of which are excellent schools but up to maximum capacity. How can this continue when forced to oversubscribe.
- As a current teacher in Gowerton Comprehensive school, I first hand see the impact of larger class sizes on our young people. It adversely effects their ability to learn effectively. Adding more houses, with the potential to add more young pupils to the catchment area schools, without building another, would have an adverse effect on their education. The money which is being removed for the education fund, would be much more beneficial supporting our young children in their education, especially having had so much disruption throughout this pandemic.
- Over-crowded school, Login Fach. No money to provide upkeep of the school asking parents for any scraps of paint and volunteer time to do the paining as again no money left in the budget for labour time. Asking parents if they can help photocopy school work as budget has been cut, there is no one to do this task. My daughter in year 4 could not have school swimming lessons as the budget for the second person to accompany the teacher on the bus again had been cut - a vital lesson in life missed. Do you get the point? Budget cut - .where do you expect there to be more space/money for extra kids 106 dwellings? Clearly there will be more children living within these dwellings. I sat in a year 4 introduction at Login Fach school and told there was money cuts, support staff had lost their jobs, the school was expected to run on less staff - you know all this is true because you guys give the budget cuts to the schools.

- Our schools and health care are already at full capacity. My step-daughter couldn't get in to Gowerton Primary school last year due to the amount of children already attending and you want to add more families who would be put in the same situation some might not be able to drive their children to a different school location like i have to everyday.
- It is hard to imagine how depriving the children of Gowerton of £370,000 will make a difference when the developers have a site that cost £2.1 million and will be worth £15.84 million completed.
- I see too that Pobl want to get more free money from the Welsh Government by building more of this development as social housing and less of this development as affordable housing. Increasing the social housing and decreasing the affordable housing on this site will have an adverse effect on the social mix of the village which given the volume of social housing already here is unfair on Gowerton.
- Gowerton already has a substantial size 100% Social Housing development underway off George Manning Way so the village is bearing its fair share of Swansea's expanding social housing requirement. Any further increase, by allowing Pobl to increase the percentage of social and decrease the amount of affordable housing in this development would be unfair on the social mix in the village and unfair on young local families who struggle to buy in the village.
- It is very unfair to refuse funding to the local English medium schools, especially when money is granted to the Welsh medium schools. More local housing yet less money to be placed in the local schools where the children in these new homes will attend.
- This is indirect discrimination against the children of Gowerton that are not educated via the Welsh medium, you only have to look at the development and current funding afforded to Ysgol Gyfyn Gwr, while the English medium school has lacked any level of the same funding for a considerable length of time.
- Pobl proposes to decrease the amount of educational funding from Â£370,00 to just under Â£100,000 for educational resources for the welsh schools only. This is utterly disgusting and unfathomable. It asks the question; why should speaking a different language subject children to a different level of education resources? It will be the children that suffer

3.9 In response to the above objections, issues relating to the capacity of the local doctors, pharmacies and dentist surgeries, policing and house values, are not material planning considerations. With regard to the consultation process, there is no statutory requirement to consult on a variation to the S106 application.

4.0 Main Issues

4.1 On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act, the Courts have considered the matters that a Council must have regard to (see R(Bachelor Enterprises Ltd) v North Dorset District Council [2003] EWHC 3006 and in R(Millgate Development ltd) v Wokingham DC [2011] EWCA Civ 1062).

The Council has to ask itself:

a. Does the existing planning obligation still serve a useful planning purpose?;
b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
c. If it would, then the Council should agree to the modification;

d. If it would not then the Council should refuse the application to modify.

4.2 Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review. However the decision cannot be appealed.

4.3 The 2017/1451/OUT Outline Planning Permission granted consent for the residential development of the site, comprising 99 dwellings. The S106 agreement included the following obligations:

- 30% of Affordable Housing (AH) on the site; comprising 70% social rent and 30% intermediate, provided at 42% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.

- A Highways Contribution of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).

- Education Contribution of £369,076 to increase school capacity at local schools (plus indexation) - Primary: £321,532 (plus indexation), to be split 84.8/15.2 towards Gowerton Primary and YGG Y Login Fach, respectively. Secondary: £47,544 (plus indexation), towards YG Gwyr.

- Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.

- An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.

- A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement)

- The Council's legal fees of £1000 relating to the preparation of the S106 agreement

4.4 The changes to the above obligations subject to this variation application are as follows:

(i) alter the tenure split of the affordable housing from 30% intermediate and 70% social, rented to 100% Intermediate;
(ii) remove the education contribution for the English Medium schools and change the trigger point for payment; and
(iii) reduce the highway contribution from £35,000 to £20,000.

4.5 The developer has stated that extensive site clearance operations were required to take place on the site, in order to enable further intrusive ground investigations to take place to inform the remedial package of works required for the economic development of the site. All the trees and scrub have been cleared in accordance with the planning permission and the required planning conditions. Pobl Group have since entered into negotiations with a Contractor in order to deliver the proposed development and alongside the further intrusive investigations, it has been established that the level of

abnormal costs associated with the development are far greater than was originally anticipated.

4.6 The Council's Placemaking and Strategic Planning Section has undertaken a viability appraisal of the proposed 99 home development on this planning application site using the Council's Development Viability Model (DVM).

4.7 It is considered that Pobl have submitted sufficient information to demonstrate a high level of abnormal costs involved in developing the site. It is acknowledged that there is an element of risk for developers on all sites, and it is noted that a significant amount of abnormal costs were allowed for by the developer when acquiring the site. Notwithstanding this, the information submitted in association with the viability appraisal demonstrates that further significant abnormal costs have arisen following further site investigations, including ground investigations of this former mining area.

4.8 It is considered that based on the information submitted, the appraisal confirms that having regard to the Section 106 contributions previously agreed on the scheme, the significant abnormal costs associated with this site fundamentally impact on the financial viability of bringing forward the proposals.

However, whilst it is accepted that the financial viability of the scheme is a material consideration in the determination of this application, the Local Planning Authority must nevertheless still consider the impacts of amending the requirements of the S106 agreement. In short, consideration must still be given to whether the proposed revisions to the S106 are acceptable in planning terms.

4.9 Affordable Housing variation - the Council's Housing Enabling Officer has raised no objection to this aspect of the revised S106 requirements. The proposed changes - namely altering the tenure split of the affordable housing from 30% intermediate and 70% social rented to 100% Intermediate, are therefore considered to be acceptable, and will meet an identified need for intermediate housing in this locality. The dwellings will still be a 50/50 mix of 2 and 3 bed houses as per the original obligation.

4.10 Education Contribution Variation - The applicant originally requested that all of the education contributions be removed as a result of the pressure on the viability for the development of this site. However, following consultation with the Education Officers, it was established that the Welsh medium places are currently and are projected to be under continued pressure, and that works to increase capacity are planned for the Welsh Medium schools at Y Login Fach, and are in progress at YG Gwyr.

As such, the financial contributions for the Welsh medium schools are still required to support these projects and to provide the welsh medium places for the children occupying the new development.

Pobl have agreed to pay the original requested contribution for the Welsh Medium (WM) schools, namely, Y Login Fach - £48,872.86 and Y Gwyr - £47,544 (plus indexation).

4.11 The main issue to be considered is therefore whether it is acceptable to remove the requested contribution for Gowerton Primary of £272,659 (plus indexation). It should be noted that there was no requested contribution for Gowerton Comprehensive (English Medium), as there was sufficient capacity to

accommodate children from the development at the time of the outline permission.

4.12 At the time of the 2017/1451/OUT planning application being determined, the forecasted capacity figures for Gowerton Primary showed -36 unfilled places in Jan 2017. At that time it was forecast that by 2022 there were expected to be +2 unfilled spaces by 2023. Therefore, the requested amount of £272,659 for the forecasted 27 English primary school places associated with this development was requested and agreed.

4.13 The current forecasted figures for Gowerton Primary have changed (mainly due to a decrease in birth rate and population changes). They are now +8 unfilled places in January 2020, increasing to +26 unfilled places by 2022.

As there would be 27 English Medium Primary pupils generated by the development, and there would be 26 available spaces in 2022 at Gowerton Primary, there would be a shortfall of only 1 space. It is considered that requesting a financial contribution for 1 primary school child is unreasonable and unnecessary. In addition, it is considered clearly unfeasible to extend the school to accommodate 1 additional child, particularly given that the school is already built to capacity given the current constraints of the Gowerton School site.

4.14 It is also noted that the application site is geographically closer to Waunarlwydd Primary School (although in a separate catchment), which has unfilled places which can absorb the additional 1 primary school place required.

4.15 It is therefore considered that the request from Pobl to remove the educational contribution for Gowerton Primary is reasonable and acceptable in planning terms, and would not unduly prejudice the future educational needs of the children associated with this development or children in the wider locality.

4.16 This application also seeks to vary the trigger point of the payment of the education contribution.

The agreed trigger points within the approved S106 are: to pay 50% of the contribution prior to the occupation of the 1st open market house with the remaining 50% to be paid on the occupation of the 50th open market house.

The proposed change is to pay 100% of the contribution on the occupation of the 50th dwelling (irrespective of tenure). Education Officers have confirmed that this is acceptable and have advised that this would be more useful in terms of directing the funds than the previously agreed trigger point.

4.17 Highway Contribution variation - although not originally applied for by Pobl, in order to aid the assessment of the viability, a reassessment of the highway contribution has been undertaken. The Highway Officer has commented that the reduction of the highway contribution from £35,000 to £20,000 is acceptable. It is noted that when the original outline consent was granted, a Toucan crossing was the only permitted crossing type which could be used by both pedestrians and cyclists.

4.18 Since this time the new Traffic Signs Manual Chapter 6 has been issued by the DfT which includes parallel Zebra Crossings as an approved crossing type. This can be used by both pedestrians and cyclists, is generally less

intrusive than a signalised crossing, and affords more priority to the vulnerable user crossing the carriageway.

4.19 The 85%ile speeds and sight lines on Gorwydd Road are such that a parallel Zebra crossing could be installed in place of the Toucan, and be compliant with the current standards. This is seen as a reasonable compromise to retain the requirement to link the site to the National Cycle Network (NCN), and requires substantially less equipment to implement. Making use of the existing refuge islands, a new parallel Zebra Crossing can be supplied, and installed for around £20k.

4.20 As such, The Highway Authority is content that this proposal provides a safe crossing point for vulnerable users, whilst being delivered at less cost to the developer. As such the reduced amount of £20,000 is considered acceptable and will cover the costs of a new parallel Zebra crossing opposite 60/62 Gorwydd Road.

5.0 Recommendation

5.1 It is recommended that:

Consent is granted for the modification of the S106 agreement (planning obligation) to the following:

- **30% of Affordable Housing (AH) on the site; comprising 100% intermediate, provided at 70% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.**

- **A Highways Contribution of £20,000 for the provision of a Zebra Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).**

- **Education Contribution of:**
  (i) £48,872.86 (plus indexation) to increase school capacity at Y Login Fach, and
  (ii) £47,544 (plus indexation) to increase school capacity at Y Gwyr.

  Contribution to be paid in full on the occupation of the 50th dwelling (irrespective of tenure).

- **Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.**

- **An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.**

- **A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement).**

- **The Council's legal fees of £1000 relating to the preparation of the S106 agreement**